

REVISED: April 30, 2013



City of YUMA

**CITY OF YUMA
REGULAR CITY COUNCIL MEETING AGENDA
COUNCIL CHAMBERS – YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
WEDNESDAY, MAY 01, 2013
5:30 P.M.**

PLEASE NOTE: THE EXECUTIVE SESSION AGENDA IS ATTACHED AT THE BOTTOM OF THIS AGENDA

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

FINAL CALL for submission of Speaker Request Forms

PRESENTATIONS

I. MOTION CONSENT AGENDA

All items listed on the Motion Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. In which event, the item will be removed from the Motion Consent Agenda and the vote or action will be taken separately.

A. Approval of minutes of the following City Council meeting(s):

- | | | |
|------------|---------------------------------|-------------------|
| 9. | 1. Regular City Council Meeting | February 6, 2013 |
| 23. | 2. Regular City Council Meeting | February 20, 2013 |

B. Approval of Staff Recommendations:

Page Item

1. Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A (1), (3), (4), and (7). (City Attorney)

36. 2. Liquor License: The Kress

Approve a Person Transfer #6 Bar, Liquor License application, submitted by Clinton Thomas Underhill, agent for KCS Holdings, LLC dba The Kress, located at 284 S. Main Street, 2nd, 3rd and 4th Floors, Yuma, Arizona. (LL13-06) (City Administration/City Clerk) (Lynda L. Bushong)

38. 3. Temporary Extension of Premises: Pop-A-Top Saloon

Approve an application for a Temporary Extension of Premises/Patio Liquor License Permit submitted by Ronal Paul Craven, agent for Pop-A-Top Saloon, located at 2241 S. Avenue A, Suite 26, Yuma, Arizona for a 30th Anniversary Party scheduled for May 18, 2013. (EP13-04) (City Administration/City Clerk) (Lynda Bushong)

40. 4. Bid Award: Carpet Tiles and Vinyl Flooring

Award to lowest responsive/responsible bidder for Carpet Tiles and Vinyl Flooring for the Police Department a one-year contract with the option to renew for three additional one-year periods at an estimated first year cost of \$100,000.00 to: Sergio's House of Carpet, Yuma, Arizona. (Facilities Department Bid #2013-20000146) (Ricky Rinehart)

43. 5. Bid Award: Electric Motor/Pump Purchases and Repairs

Award to lowest responsive/responsible bidders for Electric Motor / Pump Purchases and Repairs, a one-year contract with the option to renew for four additional one-year periods, at an estimated first year cost of \$180,000.00 depending on the appropriation of funds and satisfactory performance, as needed with the following companies:

Precision Electric Company, Inc.	Yuma, Arizona
Phoenix Pumps Inc.	Phoenix, Arizona

(Utilities Department - Bid #2013-20000094) (Jay Simonton)

46. 6. Bid Award: Open Channel Grinder

Award to sole respondent bidder for purchase and delivery of an Open Channel Grinder in an estimated amount of \$81,962. to the following company: JWC Environmental, Santa Ana, California. (Utilities Department - Bid #2013-20000180) (Jay Simonton)

49. 7. Cooperative Purchase Agreement: Ground and Turf Maintenance Equipment and Parts

Authorize the purchase of Ground and Turf Maintenance Equipment and Parts utilizing any one of the vendors utilizing the Mohave Education Services cooperative purchase agreements, which has three years left on the contract, at an estimated annual amount of \$56,000.00 to:

A & G Turf Equipment	Phoenix, Arizona
Bingham Equipment Company	Mesa, Arizona
Bobcat Company	West Fargo, North Dakota
John Deere Company	Cary, North Carolina
Simpson Norton Corporation	Goodyear, Arizona

(Parks and Recreation - #2013-20000169) (Becky Chavez)

51. 8. Cooperative Purchase Agreement: Toro Groundsmaster 4700-D

Authorize the purchase of two Toro Groundsmaster 4700-D mowers through the Equipment Replacement Program by utilizing the cooperative purchase agreement originated by Mohave Educational Services at a total cost of \$141,891.24 to: Simpson Norton, Goodyear, Arizona. (Parks and Recreation / Maintenance – Bid # 2013-20000215) (Becky Chavez)

53. 9. Infrastructure & Services Report: ANEX-2815-2013 Park West Annexation

Approve an Infrastructure and Services Report for Annexation Area No. ANEX-2815-2013, identified as the Park West Annexation, located at the southwest corner of 24th Street and Avenue C. (Community Development/Community Planning) (Laurie Lineberry)

SUGGESTED MOTION: To approve the MOTION CONSENT AGENDA as recommended:

M/_____ S/_____ VV/_____

II. RESOLUTION CONSENT AGENDA

All items listed on the Resolution Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a City Councilmember so requests or a Speaker Request Form has been submitted. In which event, the item will be removed from the Resolution Consent Agenda and the vote or action will be taken separately.

There are no resolutions scheduled at this time.

III. ADOPTION OF ORDINANCES CONSENT AGENDA

All items listed on the Ordinances Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a City Councilmember so requests or a Speaker Request Form has been submitted. In which event, the item will be removed from the Ordinance Consent Agenda and the vote or action will be taken separately.

57. A. Ordinance O2013-23 Establishment of City Departments

Authorize certain changes in the City's departments and repeal Ordinance No. O2006-41 relating to the establishment of City departments. (City Administration)

60. B. Ordinance O2013-24 Rezoning of Property: 1150 W. 16th Street

Rezone property from the Transitional (TR) District to the Low Density Residential (R-1-6) District. (ZONE-2649-2012) (Community Development/Community Planning) (Laurie Lineberry)

70. C. Ordinance O2013-26 Amendment to Yuma City Code: Title 13, Health and Safety, to add Chapter 139, Fireworks.

Adopt an ordinance regulating the use of defined permissible consumer fireworks within the City of Yuma in accordance with state statute. (Fire Department/Community Risk Reduction) (Jack McArthur)

SUGGESTED MOTION: To adopt the ORDINANCES CONSENT AGENDA as recommended:

M/_____ S/_____ RV/_____

IV. INTRODUCTION OF ORDINANCES

The following ordinance(s) is presented to the City Council for introduction. No vote or action by the City Council is necessary. However, the City Council may, at its option, vote or take action where appropriate. Ordinances given introduction are generally presented to the City Council for adoption at the next Regular City Council meeting.

77. A. Ordinance O2013-25 Easement Expansion: QWEST Corporation

Authorize an easement expansion to QWEST corporation, dba, CENTURYLINK, QC, a Colorado corporation (CENTURYLINK), for provision of telecommunication service facilities along Avenue A, south of 32nd Street. (Paul Brooberg) (City Engineering/Administration) (Paul Brooberg)

82. B. Ordinance O2013-27 Rezoning of Property: 6718 E. 32nd Street

Rezone property from the General Commercial/Aesthetic Overlay (B-2/AO) District to the General Commercial (B-2) District. (ZONE-2837-2013) (Community Development/Community Planning) (Laurie Lineberry)

93. C. Ordinance O2013-28 Zoning Code Text Amendment: Seasonal Itinerant Vendor

Amend the City of Yuma Zoning Code, Title 15, Chapter 154-01.07 to provide a definition of Seasonal Itinerant Vendor, amend Chapter 154-08 Sections: 02 & 03 to include Seasonal Itinerant Vendor as a permitted accessory use in the Planned Shopping Center District (PSC) and in the Limited Commercial District (B-1), and amend Chapter 154-08.04 to include Seasonal Itinerant Vendor as a permitted principal use in the General Commercial District (B-2). (ZONE-2855-2013). (Community Development/Community Planning) (Laurie Lineberry)

106. D. Ordinance O2013-29 Zoning Code Text Amendment: Colleges/Universities

Amend the City of Yuma Zoning Code, Title 15, Chapter 154, Section 08.04 to allow Universities/Colleges as a Conditional Use in the General Commercial (B-2) District. (ZONE-2858-2013). (Community Development/Community Planning) (Laurie Lineberry)

114. E. Ordinance O2013-30 Annexation Area No. ANEX-2815-2013: Park West

Authorize annexation of property generally located at the southwest corner of 24th Street and Avenue C. (Community Development/Community Planning) (Laurie Lineberry)

V. PUBLIC HEARINGS & RELATED ACTIONS

120. A. 2013 Community Development Block Grant Action Plan

Approval of the City of Yuma 2013 Community Development Block Grant (CDBG) Action Plan authorizing the City Administrator to execute an application for funding to the Department of Housing and Urban Development (HUD). This reservation of funds is subject to the satisfactory completion of National Environmental Protection Act (NEPA)/Part 58 environmental review. (City Administration/Economic Development) (Ricky Rinehart)

SUGGESTED MOTION: To close the Public Hearing:

M/_____ **S/**_____ **VV/**_____

SPECIFIC ACTIONS RELATED TO: REVISED DEVELOPMENT FEES FOR STREETS FACILITIES

123. B. Public Hearing: Revised Development Fees for Streets Facilities

This is a public hearing on the proposed revision of the Streets Facilities development fees for the North Service Area of the City of Yuma. (City Engineering/Development Engineering) (Paul Brooberg)

SUGGESTED MOTION: To close the Public Hearing:

M/_____ **S/**_____ **VV/**_____

126. C. Introduction of Ordinance O2013-31 Revised City of Yuma Development Fees: North Service Area

Adopt a revised City of Yuma Streets Facilities Development Fee for the North Service Area based on the Revised Infrastructure Improvements Plan adopted March 20, 2013. (City Engineering/Development Engineering) (Paul Brooberg)

VI. YUMA CITY CHARTER

REVISED

Discussion and possible action by City Council related to Yuma City Charter Article 6, Section 3(c).

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Appointments:
 - Planning and Zoning Commission: One appointment to an unexpired term ending 1/31/2014.
2. Announcements:
 - City Council report on meetings/events attended – City Council report on issues discussed in meetings/events attended by a City Council representative in their official capacity as the City's representative during the period of April 18, 2013 through May 1, 2013. City Council questions regarding the update must be limited solely for clarification purposes. If further discussion is warranted, the issue will be added to a future agenda for a detailed briefing.
 - City Council report of upcoming meetings.
 - City Council request for agenda items to be placed on future agendas.
3. Scheduling: Motion to schedule future City Council meetings pursuant to Arizona Revised Statutes Section 38-431.02 and the Yuma City Code, Chapter 30.

VIII. SUMMARY OF CURRENT EVENTS

This is the City Administrator's opportunity to give notice to the City Council of current events impacting the City. Comments are intended to be informational only and no discussion, deliberation or decision will occur on this item.

IX. CALL TO THE PUBLIC

Members of the public may address the City Council on matters that are not listed on the City Council agenda. The City Council cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the Call to the Public, individual members of the City Council may respond to criticism made by those who have addressed the City Council, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All City Council meetings are recorded and videotaped.

X. EXECUTIVE SESSION

An Executive Session may be called during the public meeting for the purpose of receiving legal advice for items on this agenda pursuant to A.R.S. Section 38-431.03 A (3 and/or 4) and the following items:

- a. Discussion, consultation with and/or instruction to legal counsel regarding City of Yuma v. Far West Water & Sewer, Inc. (A.R.S. 38-431.03 A3 and A4)
- b. Discussion, consultation with and/or instruction to legal counsel regarding legal issues related to State v. Valenzuela and City of Yuma v. Valenzuela. (A.R.S. 38-431.03 A3 and A4)

ADJOURNMENT

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Department, One City Plaza, Yuma, Arizona 85364-1436; (928) 373-5125 or TTY (928) 373-5149.